

CONRAD BURNS  
MONTANA

## United States Senate

WASHINGTON, DC 20510-2603  
(202) 224-2644

COMMITTEES:

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March 5, 2002

ENVIRONMENTAL  
PROTECTION AGENCY

MAR 7 2002

MONTANA OFFICE

Mr. John F. Wardell  
Director US EPA  
Montana Operations Office  
10 West 15th Street, Suite 3200  
Helena, Montana 59626

Dear Mr. Wardell:

Mr. and Mrs. Mel Parker have contacted me for assistance regarding their property in Libby, Montana. I understand Mr. and Mrs. Parker entered into an agreement with the Environmental Protection Agency (EPA) to use their property for the W.R. Grace asbestos related cleanup. Mr. and Mrs. Parker believe the EPA has not satisfied the agreement. They have not received replacement values and all values have been reduced to casualty loss. This action has put their business in severe jeopardy.

Please conduct a review of my constituent's situation to determine what options are available to them. You may direct your response to my office at:

**Senator Conrad Burns**  
**Attn: Brenda Williams**  
**575 Sunset Boulevard, Suite 101**  
**Kalispell, MT 59901**  
**(406) 257-3360 or 800-344-1513**  
**Fax : (406) 257-3974**

Thank you for your assistance in this matter. Your services are always appreciated.

Sincerely,



Conrad Burns  
United States Senator

CRB/bw  
Enclosure

HELENA  
(406) 449-5401

MISSOULA  
(406) 329-3528

BUTTE  
(406) 723-3277

BOZEMAN  
(406) 586-4450

GLENDALE  
(406) 365-2391

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(406) 257-3360

GREAT FALLS  
(406) 452-9585

BILLINGS  
(406) 252-0550

TOLL FREE  
1-800-344-1513

<http://burns.senate.gov>

Senator Conrad Burns  
United States Senate  
Washington, DC 20510-2603

2002 FEB 27 PM 12: 33

February 22, 2002

Dear Senator Conrad Burns:

This brief history will hopefully bring our concerns into perspective.

In November of 1999 the EPA came to our property after the Seattle Post Intelligencer wrote the story on asbestos.

In early December of 1999 the EPA returned with specialists who took soil samples throughout our 21 acre home and business. When the results came back their comments were simply, "You have a situation here that is of immediate concern".

Within the next three months of January, February, and March of 2000 continual sampling, testing and research concluded that our property was truly contaminated with high levels of asbestos and it was a public health hazard. Therefore, we would not be able to operate our multi-faceted business in 2000 because all business, personal, and real property would be destroyed. In May of 2000 we were moved from our property to a new location in town under the auspices of "temporary relocation"

Let me stop for a minute, sir, to relate what is in the above context our first complaint.

Issue #1)

We were told in February of 2000 by the EPA not to plan for any business activities on the property.

During this time and in May of 2000 we were inventorying everything from nails to trucks which were designated to be crushed and hauled up to the W.R. Grace mine site.

The bottom line sir, is that we have been taxed for the business property as well as the inventory. " Unless it is an act of God it is taxable", says the State of Montana. Neither the EPA , County Commissioners, Lincoln County Assessor Office, or the State Department of Revenue seem to be able to relate to our situation. Can you please help us?

Issue #2)

After determining that all real property, both personal and business structures as well as infrastructure on the 21 acres, would have to be destroyed to remove the contamination the EPA notified and assured us that reimbursement compensation would be in the form of replacement value.

Our understanding of the EPA on site was that **nothing would be torn down or demolished until a written agreement defining the concerns and promises** of both parties was addressed. This did not happen. In April of 2000 during our absence of two weeks, all of our personal belonging, our house, our guest house, and our green houses were destroyed. The remainder was leveled after our return.

The point to made here was that policy changed, within the EPA. It went from what was to be replacement value to casualty loss value. **We do not have any bargaining power left. Everything is gone!**

We are now in our ***third*** year. We did receive compensation for our business inventory and personal property in March of 2001. However, we have not received ***any*** reimbursement for our real property.

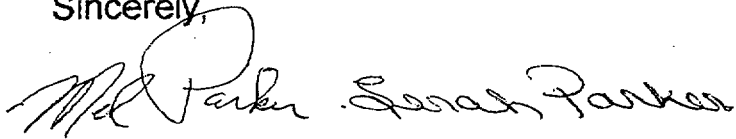
Sir, with a casualty loss value, which is a fine tuned definition of depreciated market value, we can not rebuild our business back up to the level where it was prior to "Shut Down" three years ago.

With the advent of possible residential and business cleanup in the near future it would seem imperative to my wife and I that a definite contract of understanding and involvement between the EPA and the folks of this community be cast in stone before the work begins.

We have investigated all avenues of assistance to this point in time, but perhaps you can provide some help to get the situation in perspective.

Mr. Burns with your past expertise and experience in dealing with issues of this nature it is in recognition this quality that we are confident that you will provide us with the necessary assistance. Thank you for your concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mel & Lerah Parker". The signature is written in dark ink and is positioned below the word "Sincerely,".

Mel & Lerah Parker